

UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO SENTENCING MINUTE SHEET													
CR No: 15-4268 JB				USA vs.: DeLeon et al									
Date: 6/12/19				Name of Deft: Anthony Ray Baca									
Before the Honorable: James O. Browning													
Time In/Out:		11:32am-1:05pm				Total Time in Court (for JS10):				1 hr 33 Minutes			
Clerk:		C. Bevel				Court Reporter:				J. Bean			
AUSA:		Maria Armijo/Randy Castellano				Defendant's Counsel:				Marc Lowry, Theresa Duncan			
Sentencing in:		Las Cruces				Interpreter:				N/A			
Probation Officer:		David Mills				Interpreter Sworn?				<input type="checkbox"/> Yes		<input type="checkbox"/> No	
Convicted on:		<input type="checkbox"/> Plea		<input checked="" type="checkbox"/> Verdict		As to:		<input type="checkbox"/> Information		<input checked="" type="checkbox"/> Third Superseding Indictment			
If Plea:		<input type="checkbox"/> Accepted		<input type="checkbox"/> Not Accepted		Adjuded/Found Guilty on Counts: 6, 7, 9, 10							
If Plea Agreement:		<input type="checkbox"/> Accepted		<input type="checkbox"/> Not Accepted		<input type="checkbox"/> No Plea Agreement		Comments:					
Date of Plea/Verdict:		3/12/18		PSR:		<input type="checkbox"/> Not Disputed		<input checked="" type="checkbox"/> Disputed		<input checked="" type="checkbox"/> Courts adopts PSR Findings			
Evidentiary Hrg:		<input checked="" type="checkbox"/> Not Needed		<input type="checkbox"/> Needed		Exceptions to PSR: With changes noted							
SENTENCE IMPOSED				Imprisonment (BOP):		Counts: 6, 9, 10 a term of 120 months Count 7: Life Total term of Life to run concurrently to state sentence							
Supervised Release:		3 years each count to run concurrently						Probation:					
REC		500-Hour Drug Program				BOP Sex Offender Program				Other:			
ICE		Court recommends ICE begin removal proceedings immediately or during service of sentence								<input type="checkbox"/> ICE not applicable			
SPECIAL CONDITIONS OF SUPERVISION													
<input type="checkbox"/> No re-entry without legal authorization						<input type="checkbox"/> Home confinement for _____ months _____ days							
<input type="checkbox"/> Comply with ICE laws and regulation						<input type="checkbox"/> Community service for 60 hours during supervised release.							
<input checked="" type="checkbox"/> Participate in/successfully complete subst abuse program/testing						<input checked="" type="checkbox"/> Reside halfway house 6 months _____ days							
<input type="checkbox"/> Participate in/successfully complete mental health program						<input type="checkbox"/> Register as sex offender							
<input checked="" type="checkbox"/> Refrain from use/possession of alcohol/intoxicants						<input type="checkbox"/> Participate in sex offender treatment program							
<input checked="" type="checkbox"/> Submit to search of person/property						<input type="checkbox"/> Possess no sexual material							
<input checked="" type="checkbox"/> No contact with victim(s) and/or co-defendant(s)						<input type="checkbox"/> No computer with access to online services							
<input type="checkbox"/> No entering or loitering near victim's residence						<input type="checkbox"/> No contact with children under 18 years							
<input type="checkbox"/> Provide financial information						<input type="checkbox"/> No volunteering where children supervised							
<input checked="" type="checkbox"/> Waive right of confidentiality and allow the treatment provider to release treatment records						<input type="checkbox"/> Restricted from occupation with access to children							
<input checked="" type="checkbox"/> Must not knowingly purchase, possess, distribute, administer, or otherwise use any psychoactive substances (e.g., synthetic marijuana, bath salts, etc.) that impair your physical or mental functioning, whether or not intended for human consumption.						<input type="checkbox"/> No loitering within 100 feet of school yards							
<input type="checkbox"/> Must not possess, sell, offer for sale, transport, cause to be transported, cause to affect interstate commerce, import, or export any drug paraphernalia, as defined in 21 U.S.C. 863(d).						<input type="checkbox"/> If defendant is unemployed - Must participate in an educational or vocational services program and follow the rules and regulations of that program							
<input checked="" type="checkbox"/> OTHER: No interaction with any known gang members.													
Fine: \$		0				Restitution: \$				None ordered			
SPA: \$		400.00 (100 per count)				Payment Schedule:		<input checked="" type="checkbox"/> Due Immediately		<input type="checkbox"/> Waived			
OTHER:													
<input checked="" type="checkbox"/> Advised of Right to Appeal		<input type="checkbox"/> Waived Appeal Rights per Plea Agreement											
<input checked="" type="checkbox"/> Held in Custody		<input type="checkbox"/> Voluntary Surrender											
Recommended place(s) of incarceration:													

	Dismissed Counts:
OTHER COMMENTS:	<p>Court takes short recess so that defendant can thoroughly review Revised PSR and Addendum.</p> <p>Ms. Duncan addresses general objection to facts in PSR being taken from discovery and not trial testimony. Ms. Duncan addresses specifically paragraph 22 related to Jerry Armenta.</p> <p>Ms. Armijo suggests change in language, points to trial testimony that defendant was aware of paperwork.</p> <p>Court clarifies language to be removed.</p> <p>Ms. Duncan addresses additional objection of language “in his cell”</p> <p>Court will remove “in his cell”.</p> <p>Ms. Duncan addresses factual objection paragraph 26.</p> <p>Ms. Armijo responds, suggests changes.</p> <p>Court clarifies changes to PSR on paragraph 26.</p> <p>USPO Mills to make changes.</p> <p>Objection to addendum filed on 6/6/19 – paragraphs 26 and 119.</p> <p>Court gives inclination on ruling regarding objection to vulnerable victim.</p> <p>Ms. Armijo responds.</p> <p>Ms. Duncan responds in opposition.</p> <p>Ms. Armijo responds.</p> <p>Court overrules objection and applies 2 level enhancement.</p> <p>Court gives preliminary thoughts on objection regarding guideline on application of federal and state sentence running consecutively.</p> <p>Mr. Lowery responds, addresses Court regarding sentencing.</p> <p>Defendant has nothing to say.</p> <p>Ms. Molina – mother of victim addresses Court.</p> <p>Ms. Armijo argues for consecutive sentences.</p> <p>Mr. Lowery makes oral motion to retain tablet. To submit stipulated Order.</p>